

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket HWCA 01/02-1002
)	
)	
Metech International, Inc.)	CONSENT ORDER
6200 Engle Way)	
Gilroy, California 95020)	Health and Safety Code
ID No. CAD 077 182 293)	Section 25187
)	
Respondent.)	
_____)	

The State Department of Toxic Substances Control
(Department) and Metech International, Incorporated (Respondent)
enter into this Consent Order and agree as follows:

1. Respondent treats and stores hazardous waste at
6200 Engle Way, Gilroy, California (Site).
2. The Department inspected the Site on October 12 and
13, 2000.
3. The Department alleges the following violations:
 - 3.1. The Respondent violated Health and Safety Code,
Section 25189.2(b) and Permit dated May 8, 2000, Part II/Special
Condition 9, in that on or about October 12, 2000, Respondent
exceeded the storage capacity of S-3 by storing 77 - 55 gallon
drums. The capacity of the permit is 67 - 55 gallon drums.
 - 3.2 The Respondent violated Health and Safety Code,
Section 25189.2 (b) and Permit dated May 8, 2000, Part II/Special

Condition 12, in that on or about October 12, 2000, Respondent did not provide two feet of aisle space for numerous containers of hazardous waste in the S-1, S-2, S-3 and S-5 storage areas.

3.3 The Respondent violated Health and Safety Code, Section 25189.2 (b) and Permit dated May 8, 2000, Part II/Special Condition 14, in that on or about October 12, 2000, Respondent failed to store hazardous waste containers, in containers in drum racks in S-1 and S-3, so that labels were visible from the aisle.

3.4 The Respondent violated Health and Safety Code, Section 25189.2 (b) and Permit May 8, 2000, Part II/Special Condition 4, in that on or about October 12, 2000, Respondent did not display "date received" on the "lot identification tags."

3.5 The Respondent violated Health and Safety Code, Section 25189.2 (b) and Permit dated May 8, 2000, Part II/Special Condition 5, in that on or about October 12, 2000, Respondent stored hazardous waste in S-1 for greater than one year.

3.6 Respondent violated Health and Safety Code Section 25189.2 (b) and Permit dated May 8, 2000, Part I/Special Condition B.1 and B.2, in that on or about October 12, 2000, Respondent received hazardous waste from offsite without receiving and reviewing the results of analyses.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code Section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. By entering into this Consent Order, the Respondent does not admit any of the violations alleged above.

SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1.1 Immediately, Respondent shall not exceed the storage capacity of S-3 which is 67 - 55 gallon drums.

10.1.2 Immediately, Respondent shall provide two feet of aisle space in S-1, S-2, S-3 and S-5 storage areas.

10.1.3 Immediately, Respondent shall store hazardous waste containers in containers in drum racks in S-1 and S-3 so that labels are visible from the aisle.

10.1.4 Immediately, Respondent shall display "date received" on the "lot identification tags."

10.1.5 Immediately, Respondent shall not store hazardous waste in S-1 for greater than one year.

10.1.6 Immediately, Respondent shall not receive hazardous waste from offsite without receiving and reviewing the results of analyses.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent to:

Charlene Williams, Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, California 94710

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by

which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.7. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to

take further actions as are necessary to protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken

pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

10.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$20,500. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Douglas Hohman
Senior Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code Section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants,

successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: [11/08/01]

John D. Koskinas

Signature of Respondent's

Representative

Dated: _____

John D. Koskinas, President

Typed or Printed Name and Title of
Respondent's Representative

Dated: 11/26/01

Douglas Hohman

Douglas Hohman, Senior Hazardous
Substances Scientist
Department of Toxic Substances
Control